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County Sheriff's Department, San
6 Bernardino County, Shannon Dicus and
James Williams
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 EASTERN DIVISION
11

12 ANTHONY WRIGHT;
NICOYA WRIGHT;
13 L.W., H.W, and A.G., by and through
their Guardian Ad Litem NICOYA
14 WRIGHT,

15 Plaintiffs,

16 v.

17 SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT;
18 SAN BERNARDINO COUNTY;
SHANNON DICUS;
19 JAMES WILLIAMS; and DOES 1 to
10,
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21 Defendants.
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Case No. 5:25-cv-00917 SSS (SHKx)
The Hon. Sunshine S. Sykes

**DEFENDANTS SAN BERNARDINO
COUNTY SHERIFF'S
DEPARTMENT, SAN
BERNARDINO COUNTY,
SHANNON DICUS, AND JAMES
WILLIAMS'S ANSWER TO
COMPLAINT FOR DAMAGES**

1 Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendants San
2 Bernardino County Sheriff's Department, San Bernardino County, Shannon Dicus,
3 and James Williams ("Defendants") answer the Complaint of Plaintiffs Anthony
4 Wright, Nicoya Wright, and L.W., H.W., and A.G by and through their guardian ad
5 litem, Nicoya Wright ("Plaintiffs"). If an averment is not specifically admitted, it is
6 hereby denied.

7
8 **ANSWER TO COMPLAINT**

9 1. Answering Paragraph 1 of the Complaint, Defendants assert that said
10 paragraph contains no factual allegations requiring a response. To the extent,
11 however, that said paragraph is read to contain some factual allegation requiring a
12 response in this Answer, Defendants deny each and every such allegation.

13 2. Answering Paragraph 2 of the Complaint, Defendants admit that on
14 April 25, 2023 Plaintiff Anthony Wright was a pretrial detainee at the Glen Helen
15 Rehabilitation Center, that the aerial photograph in that paragraph of the Complaint
16 shows a portion of that facility, and that for a portion of that day in the morning,
17 Plaintiff Anthony Wright was outside in the recreation yard with other inmates from
18 his housing unit. Except as expressly admitted herein, Defendants deny each and
19 every allegation contained therein.

20 3. Answering Paragraph 3 of the Complaint, Defendants admit that on
21 April 25, 2023, Plaintiff Anthony Wright lost consciousness while standing,
22 appeared to hit his head on a metal sink, and fell to the ground. Defendants further
23 admit that after jail medical staff responded to render aid to Plaintiff Anthony
24 Wright, he was taken to the hospital. Except as expressly admitted herein,
25 Defendants deny each and every allegation contained therein.

26 4. Answering Paragraph 4 of the Complaint, Defendants deny each and
27 every allegation contained therein.

1 5. Answering Paragraph 5 of the Complaint, Defendants assert that said
2 paragraph contains no factual allegations requiring a response. To the extent,
3 however, that said paragraph is read to contain some factual allegation requiring a
4 response in this answer, Defendants deny each and every such allegation.

5 6. Answering Paragraph 6 of the Complaint, Defendants admit that this
6 Court has subject-matter jurisdiction over this case. Except as expressly admitted
7 herein, Defendants deny each and every allegation contained therein.

8 7. Answering Paragraph 7 of the Complaint, Defendants admit that venue
9 in this case is proper in the Eastern Division of the Central District of California.
10 Except as expressly admitted herein, Defendants deny each and every allegation
11 contained therein.

12 8. Answering Paragraph 8 of the Complaint, Defendants deny each and
13 every allegation contained therein.

14 9. Answering Paragraph 9 of the Complaint, Defendants admit that on
15 April 25, 2023, Plaintiff Anthony Wright was a resident of San Bernardino County,
16 in that he was then an inmate at the Glen Helen Rehabilitation Center. Except as
17 expressly admitted herein, Defendants lack sufficient information to form a belief as
18 to the truth of the allegations contained in that paragraph, and on that basis deny
19 each and every such allegation.

20 10. Answering Paragraph 10 of the Complaint, Defendants lack sufficient
21 knowledge or information to form a belief concerning the truth of the factual
22 allegations contained therein and on that basis deny such allegations.

23 11. Answering Paragraph 11 of the Complaint, Defendants lack sufficient
24 knowledge or information to form a belief concerning the truth of the factual
25 allegations contained therein and on that basis deny such allegations.

26 12. Answering Paragraph 12 of the Complaint, Defendants lack sufficient
27 knowledge or information to form a belief concerning the truth of the factual
28 allegations contained therein and on that basis deny such allegations.

1 13. Answering Paragraph 13 of the Complaint, Defendants lack sufficient
2 knowledge or information to form a belief concerning the truth of the factual
3 allegations contained therein and on that basis deny such allegations.

4 14. Answering Paragraph 14 of the Complaint, Defendants admit that San
5 Bernardino County maintains a Sheriff's Department, and through that Department,
6 employs many individuals. Except as expressly admitted herein, Defendants deny
7 each and every allegation contained therein.

8 15. Answering Paragraph 15 of the Complaint, Defendants admit that
9 James Williams is an employee of San Bernardino County. Except as expressly
10 admitted herein, Defendants deny each and every allegation contained therein.

11 16. Answering Paragraph 16 of the Complaint, Defendants admit that
12 Shannon Dicus is the elected Sheriff of San Bernardino County. Except as
13 expressly admitted herein, Defendants deny each and every allegation contained
14 therein.

15 17. Answering Paragraph 17 of the Complaint, Defendants lack sufficient
16 knowledge or information to form a belief concerning the truth of the factual
17 allegations contained therein and on that basis deny such allegations.

18 18. Answering Paragraph 18 of the Complaint, Defendants lack sufficient
19 knowledge or information to form a belief concerning the truth of the factual
20 allegations contained therein and on that basis deny such allegations.

21 19. Answering Paragraph 19 of the Complaint, Defendants lack sufficient
22 knowledge or information regarding the identities of the individuals Plaintiffs have
23 fictitiously named "DOES 1-10" to form a belief concerning the truth of the factual
24 allegations contained therein and on that basis deny such allegations.

25 20. Answering Paragraph 20 of the Complaint, Defendants admit that
26 Defendant Williams is an employee of the County and that Defendant Dicus is the
27 elected Sheriff of the County. Defendants lack sufficient knowledge or information
28 regarding the identities of the individuals Plaintiffs have fictitiously named "DOES

1 1-10” to form a belief concerning the truth of the factual allegations contained
2 therein and on that basis deny such allegations. Except as expressly admitted
3 herein, Defendants deny each and every allegation contained in that paragraph.

4 21. Answering Paragraph 21 of the Complaint, Defendants admit that
5 Defendant Williams is an employee of the County and that Defendant Dicus is the
6 elected Sheriff of the County. Defendants lack sufficient knowledge or information
7 regarding the identities of the individuals Plaintiffs have fictitiously named “DOES
8 1-10” to form a belief concerning the truth of the factual allegations contained
9 therein and on that basis deny such allegations. Except as expressly admitted
10 herein, Defendants deny each and every allegation contained in that paragraph.

11 22. Answering Paragraph 22 of the Complaint, Defendants admit that
12 Defendant Williams is an employee of the County and that Defendant Dicus is the
13 elected Sheriff of the County. Defendants lack sufficient knowledge or information
14 regarding the identities of the individuals Plaintiffs have fictitiously named “DOES
15 1-10” to form a belief concerning the truth of the factual allegations contained
16 therein and on that basis deny such allegations. Except as expressly admitted
17 herein, Defendants deny each and every allegation contained in that paragraph.

18 23. Answering Paragraph 23 of the Complaint, Defendants admit that
19 Defendant Williams is an employee of the County and that Defendant Dicus is the
20 elected Sheriff of the County, and that when acting in their respective capacities at
21 the Sheriff’s Department, they act under color of law. Defendants lack sufficient
22 knowledge or information regarding the identities of the individuals Plaintiffs have
23 fictitiously named “DOES 1-10” to form a belief concerning the truth of the factual
24 allegations contained therein and on that basis deny such allegations. Except as
25 expressly admitted herein, Defendants deny each and every allegation contained in
26 that paragraph.

27 24. Answering Paragraph 24 of the Complaint, Defendants admit that on
28 April 25, 2023 Plaintiff Anthony Wright was an inmate at the Glen Helen

1 Rehabilitation Center who had not yet been sentenced. Defendants further admit
2 that the Glen Helen Rehabilitation Center is located in San Bernardino County.
3 Defendants further admit that for part of the morning of April 25, 2023, Plaintiff
4 Anthony Wright and the other inmates in his housing unit were in the outdoor
5 recreation yard of the Glen Helen Rehabilitation Center. Except as expressly
6 admitted herein, Defendants deny each and every allegation contained therein.

7 25. Answering Paragraph 25 of the Complaint, Defendants admit that when
8 Plaintiff Anthony Wright lost consciousness and fell on April 25, 2023, he was
9 standing on concrete. Except as expressly admitted herein, Defendants deny each
10 and every allegation contained therein.

11 26. Answering Paragraph 26 of the Complaint, Defendants admit that
12 medical aid was rendered to Plaintiff Anthony Wright at the location of his fall, and
13 that he was subsequently transported by ambulance to the hospital. Defendants
14 further admit that Arrowhead Regional Medical Center is a County hospital. Except
15 as expressly admitted herein, Defendants deny each and every allegation contained
16 therein.

17 27. Answering Paragraph 27 of the Complaint, Defendants lack sufficient
18 knowledge or information to form a belief concerning the truth of the factual
19 allegations contained therein and on that basis deny such allegations.

20 28. Answering Paragraph 28 of the Complaint, Defendants assert that said
21 paragraph contains no allegations itself other than by incorporating by reference the
22 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
23 response, Defendant similarly incorporates here its responses to the corresponding
24 allegations in the Complaint as stated above in this Answer.

25 29. Answering Paragraph 29 of the Complaint, Defendants assert that said
26 paragraph contains no factual allegations requiring a response, only statements of
27 law. To the extent, however, that said paragraph is read to contain some factual
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1 allegation requiring a response in this Answer, Defendants deny each and every
2 such allegation.

3 30. Answering Paragraph 30 of the Complaint, Defendants deny each and
4 every allegation contained therein.

5 31. Answering Paragraph 31 of the Complaint, Defendants admit that the
6 Fourth Amendment (as incorporated against the States via the Fourteenth
7 Amendment) requires that force used by law enforcement be objectively reasonable
8 under the totality of the circumstances known to the officer using force. Except as
9 expressly admitted herein, Defendants deny each and every allegation contained
10 therein.

11 32. Answering Paragraph 32 of the Complaint, Defendants deny each and
12 every allegation contained therein.

13 33. Answering Paragraph 33 of the Complaint, Defendants deny each and
14 every allegation contained therein.

15 34. Answering Paragraph 34 of the Complaint, Defendants deny each and
16 every allegation contained therein.

17 35. Answering Paragraph 35 of the Complaint, Defendants deny each and
18 every allegation contained therein.

19 36. Answering Paragraph 36 of the Complaint, Defendants deny each and
20 every allegation contained therein.

21 37. Answering Paragraph 37 of the Complaint, Defendants assert that said
22 paragraph contains no factual allegation requiring a response from Defendants, but
23 instead only a prayer for relief. To the extent, however, that said paragraph is read
24 to contain some factual allegation requiring a response, Defendants deny each and
25 every such allegation.

26 38. Answering Paragraph 38 of the Complaint, Defendants deny each and
27 every allegation contained therein.

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1 39. Answering Paragraph 39 of the Complaint, Defendants assert that said
2 paragraph contains no allegations itself other than by incorporating by reference the
3 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
4 response, Defendant similarly incorporates here its responses to the corresponding
5 allegations in the Complaint as stated above in this Answer.

6 40. Answering Paragraph 40 of the Complaint, Defendants assert that said
7 paragraph contains no factual allegations requiring a response from Defendants, and
8 instead contains only a quote from a decision of the Ninth Circuit Court of Appeals.
9 Defendants admit that that Circuit decision says what it says. Except as expressly
10 admitted herein, Defendants deny each and every allegation contained therein.

11 41. Answering Paragraph 41 of the Complaint, Defendants admit that on
12 April 25, 2023 Plaintiff Anthony Wright was an inmate at the Glen Helen
13 Rehabilitation Center who had not yet been sentenced. Defendants lack sufficient
14 information about the identity of the individuals referred to in that paragraph as
15 “DOES 1-10” to form a belief as to the truth of the remaining allegations in that
16 paragraph, and on that basis deny each and every allegation contained therein except
17 as expressly admitted within this paragraph.

18 42. Answering Paragraph 42 of the Complaint, Defendants deny each and
19 every allegation contained therein.

20 43. Answering Paragraph 43 of the Complaint, Defendants deny each and
21 every allegation contained therein.

22 44. Answering Paragraph 44 of the Complaint, Defendants deny each and
23 every allegation contained therein.

24 45. Answering Paragraph 45 of the Complaint, Defendants assert that the
25 first sentence of said paragraph contains no factual allegation requiring a response,
26 but instead only a purported statement of law. Defendants admit that the relevant
27 case law says what it says. Except as expressly admitted herein, Defendants deny
28 each and every allegation contained therein.

1 46. Answering Paragraph 46 of the Complaint, Defendants deny each and
2 every allegation contained therein.

3 47. Answering Paragraph 47 of the Complaint, Defendants deny each and
4 every allegation contained therein.

5 48. Answering Paragraph 48 of the Complaint, Defendants assert that said
6 paragraph contains no factual allegations requiring a response, but instead only a
7 prayer for relief in the form of attorney's fees. To the extent, however, that said
8 paragraph is read to contain some allegation requiring a response from Defendants,
9 Defendants deny each and every such allegation.

10 49. Answering Paragraph 49 of the Complaint, Defendants assert that said
11 paragraph contains no allegations itself other than by incorporating by reference the
12 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
13 response, Defendant similarly incorporates here its responses to the corresponding
14 allegations in the Complaint as stated above in this Answer.

15 50. Answering Paragraph 50 of the Complaint, Defendants assert that said
16 paragraph contains no factual allegation requiring a response but instead only a legal
17 conclusion. To the extent, however, that said paragraph is read to contain some
18 factual allegation requiring a response from Defendants, Defendant deny each and
19 every such allegation.

20 51. Answering Paragraph 51 of the Complaint, Defendants deny each and
21 every allegation contained therein.

22 52. Answering Paragraph 52 of the Complaint, Defendants deny each and
23 every allegation contained therein.

24 53. Answering Paragraph 53 of the Complaint, Defendants deny each and
25 every allegation contained therein.

26 54. Answering Paragraph 54 of the Complaint, Defendants deny each and
27 every allegation contained therein.

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ONTARIO, CALIFORNIA 91761

1 55. Answering Paragraph 55 of the Complaint, Defendants deny each and
2 every allegation contained therein.

3 56. Answering Paragraph 56 of the Complaint, Defendants deny each and
4 every allegation contained therein.

5 57. Answering Paragraph 57 of the Complaint, Defendants deny each and
6 every allegation contained therein.

7 58. Answering Paragraph 58 of the Complaint, Defendants deny each and
8 every allegation contained therein.

9 59. Answering Paragraph 59 of the Complaint, Defendants deny each and
10 every allegation contained therein.

11 60. Answering Paragraph 60 of the Complaint, Defendants deny each and
12 every allegation contained therein.

13 61. Answering Paragraph 61 of the Complaint, Defendants assert that said
14 paragraph contains no allegations itself other than by incorporating by reference the
15 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
16 response, Defendant similarly incorporates here its responses to the corresponding
17 allegations in the Complaint as stated above in this Answer.

18 62. Answering Paragraph 62 of the Complaint, Defendants lack sufficient
19 knowledge or information to form a belief concerning the truth of the factual
20 allegations contained therein and on that basis deny such allegations.

21 63. Answering Paragraph 63 of the Complaint, Defendants admit that on
22 April 25, 2023 Plaintiff Anthony Wright was a pretrial detainee at Glen Helen
23 Rehabilitation Center. Except as expressly admitted herein, Defendants deny each
24 and every allegation contained therein.

25 64. Answering Paragraph 64 of the Complaint, Defendants deny each and
26 every allegation contained therein.

27 65. Answering Paragraph 65 of the Complaint, Defendants deny each and
28 every allegation contained therein.

1 66. Answering Paragraph 66 of the Complaint, Defendants deny each and
2 every allegation contained therein.

3 67. Answering Paragraph 67 of the Complaint, Defendants deny each and
4 every allegation contained therein.

5 68. Answering Paragraph 68 of the Complaint, Defendants deny each and
6 every allegation contained therein.

7 69. Answering Paragraph 69 of the Complaint, Defendants deny each and
8 every allegation contained therein.

9 70. Answering Paragraph 70 of the Complaint, Defendants assert that said
10 paragraph contains no allegations itself other than by incorporating by reference the
11 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
12 response, Defendant similarly incorporates here its responses to the corresponding
13 allegations in the Complaint as stated above in this Answer.

14 71. Answering Paragraph 71 of the Complaint, Defendants deny each and
15 every allegation contained therein.

16 72. Answering Paragraph 72 of the Complaint, Defendants assert that said
17 paragraph contains no factual allegations requiring a response from Defendants, but
18 instead only statements of law from a decision of the Ninth Circuit Court of Appeals
19 and a quotation from the Fourteenth Amendment. Defendants admit that the case
20 law and the Constitution say what they say. Except as expressly admitted herein,
21 Defendants deny each and every allegation contained therein.

22 73. Answering Paragraph 73 of the Complaint, Defendants lack sufficient
23 information about the identity of the individuals referred to therein as “DOES 1-10”
24 to form a belief as to the truth of the allegations contained therein, and on that basis
25 deny each and every such allegation.

26 74. Answering Paragraph 74 of the Complaint, Defendants deny each and
27 every allegation contained therein.

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1 75. Answering Paragraph 75 of the Complaint, Defendants deny each and
2 every allegation contained therein.

3 76. Answering Paragraph 76 of the Complaint, Defendants deny each and
4 every allegation contained therein.

5 77. Answering Paragraph 77 of the Complaint, Defendants deny each and
6 every allegation contained therein.

7 78. Answering Paragraph 78 of the Complaint, Defendants deny each and
8 every allegation contained therein.

9 79. Answering Paragraph 79 of the Complaint, Defendants deny each and
10 every allegation contained therein.

11 80. Answering Paragraph 80 of the Complaint, Defendants deny each and
12 every allegation contained therein.

13 81. Answering Paragraph 81 of the Complaint, Defendants deny each and
14 every allegation contained therein.

15 82. Answering Paragraph 82 of the Complaint, Defendants assert that said
16 paragraph contains no allegations itself other than by incorporating by reference the
17 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
18 response, Defendant similarly incorporates here its responses to the corresponding
19 allegations in the Complaint as stated above in this Answer.

20 83. Answering Paragraph 83 of the Complaint, Defendants assert that said
21 paragraph contains no factual allegations requiring a response from Defendants, but
22 instead only legal conclusions. To the extent, however, that said paragraph is read
23 to contain some factual allegation requiring a response, Defendants deny each and
24 every such allegation.

25 84. Answering Paragraph 84 of the Complaint, Defendants deny each and
26 every allegation contained therein.

27 85. Answering Paragraph 85 of the Complaint, Defendants deny each and
28 every allegation contained therein.

1 86. Answering Paragraph 86 of the Complaint, Defendants deny each and
2 every allegation contained therein.

3 87. Answering Paragraph 87 of the Complaint, Defendants deny each and
4 every allegation contained therein.

5 88. Answering Paragraph 88 of the Complaint, Defendants deny each and
6 every allegation contained therein.

7 89. Answering Paragraph 89 of the Complaint, Defendants deny each and
8 every allegation contained therein.

9 90. Answering Paragraph 90 of the Complaint, Defendants deny each and
10 every allegation contained therein.

11 91. Answering Paragraph 91 of the Complaint, Defendants deny each and
12 every allegation contained therein.

13 92. Answering Paragraph 92 of the Complaint, Defendants deny each and
14 every allegation contained therein.

15 93. Answering Paragraph 93 of the Complaint, Defendants deny each and
16 every allegation contained therein.

17 94. Answering Paragraph 94 of the Complaint, Defendants deny each and
18 every allegation contained therein.

19 95. Answering Paragraph 95 of the Complaint, Defendants assert that said
20 paragraph contains no allegations itself other than by incorporating by reference the
21 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
22 response, Defendant similarly incorporates here its responses to the corresponding
23 allegations in the Complaint as stated above in this Answer.

24 96. Answering Paragraph 96 of the Complaint, Defendants assert that said
25 paragraph contains no factual allegation requiring a response from Defendants, but
26 instead only legal conclusions. To the extent, however, that said paragraph is read
27 to contain some factual allegation requiring a response, Defendants deny each and
28 every such allegation.

1 97. Answering Paragraph 97 of the Complaint, Defendants deny each and
2 every allegation contained therein.

3 98. Answering Paragraph 98 of the Complaint, Defendants deny each and
4 every allegation contained therein.

5 99. Answering Paragraph 99 of the Complaint, Defendants deny each and
6 every allegation contained therein.

7 100. Answering Paragraph 100 of the Complaint, Defendants deny each and
8 every allegation contained therein.

9 101. Answering Paragraph 101 of the Complaint, Defendants deny each and
10 every allegation contained therein.

11 102. Answering Paragraph 102 of the Complaint, Defendants deny each and
12 every allegation contained therein.

13 103. Answering Paragraph 103 of the Complaint, Defendants deny each and
14 every allegation contained therein.

15 104. Answering Paragraph 104 of the Complaint, Defendants deny each and
16 every allegation contained therein.

17 105. Answering Paragraph 105 of the Complaint, Defendants deny each and
18 every allegation contained therein.

19 106. Answering Paragraph 106 of the Complaint, Defendants deny each and
20 every allegation contained therein.

21 107. Answering Paragraph 107 of the Complaint, Defendants admit that in
22 June 2022 an in-custody death of an inmate at the Glen Helen Rehabilitation Center
23 occurred in which the inmate suffered a medical emergency in the recreation yard,
24 fell, and sustained a head injury. Except as expressly admitted herein, Defendants
25 deny each and every allegation contained therein.

26 108. Answering Paragraph 108 of the Complaint, Defendants deny each and
27 every allegation contained therein.
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1 109. Answering Paragraph 109 of the Complaint, Defendants deny each and
2 every allegation contained therein.

3 110. Answering Paragraph 110 of the Complaint, Defendants assert that said
4 paragraph contains no allegations itself other than by incorporating by reference the
5 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
6 response, Defendant similarly incorporates here its responses to the corresponding
7 allegations in the Complaint as stated above in this Answer.

8 111. Answering Paragraph 111 of the Complaint, Defendants assert that said
9 paragraph contains no factual allegations requiring a response from Defendants,
10 only legal conclusions. To the extent, however, that said paragraph is read to
11 include some factual allegation requiring a response, Defendant deny each and every
12 such allegation.

13 112. Answering Paragraph 112 of the Complaint, Defendants admit that in
14 general law enforcement personnel have a legal duty to act with due care in the
15 execution of their duties. Except as expressly admitted herein, Defendants deny
16 each and every allegation contained therein.

17 113. Answering Paragraph 113 of the Complaint, Defendants deny each and
18 every allegation contained therein.

19 114. Answering Paragraph 114 of the Complaint, Defendants deny each and
20 every allegation contained therein.

21 115. Answering Paragraph 115 of the Complaint, Defendants deny each and
22 every allegation contained therein.

23 116. Answering Paragraph 116 of the Complaint, Defendants assert that said
24 paragraph contains no allegations itself other than by incorporating by reference the
25 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
26 response, Defendant similarly incorporates here its responses to the corresponding
27 allegations in the Complaint as stated above in this Answer.

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1 117. Answering Paragraph 117 of the Complaint, Defendants assert that said
2 paragraph contains no factual allegations requiring a response from Defendants,
3 only legal conclusions. To the extent, however, that said paragraph is read to
4 include some factual allegation requiring a response, Defendant deny each and every
5 such allegation.

6 118. Answering Paragraph 118 of the Complaint, Defendants assert that said
7 paragraph contains no factual allegations requiring a response from Defendants, but
8 instead includes only legal conclusions. To the extent, however, that said paragraph
9 is read to contain some factual allegation requiring a response, Defendant deny each
10 and every such allegation.

11 119. Answering Paragraph 119 of the Complaint, Defendants deny each and
12 every allegation contained therein.

13 120. Answering Paragraph 120 of the Complaint, Defendants deny each and
14 every allegation contained therein.

15 121. Answering Paragraph 121 of the Complaint, Defendants deny each and
16 every allegation contained therein.

17 122. Answering Paragraph 122 of the Complaint, Defendants deny each and
18 every allegation contained therein.

19 123. Answering Paragraph 123 of the Complaint, Defendants deny each and
20 every allegation contained therein.

21 124. Answering Paragraph 124 of the Complaint, Defendants deny each and
22 every allegation contained therein.

23 125. Answering Paragraph 125 of the Complaint, Defendants deny each and
24 every allegation contained therein.

25 126. Answering Paragraph 126 of the Complaint, Defendants deny each and
26 every allegation contained therein.

27 127. Answering Paragraph 127 of the Complaint, Defendants deny each and
28 every allegation contained therein.

1 128. Answering Paragraph 128 of the Complaint, Defendants assert that said
2 paragraph contains no allegations itself other than by incorporating by reference the
3 allegations in each of the preceding and subsequent paragraphs of the Complaint. In
4 response, Defendant similarly incorporates here its responses to the corresponding
5 allegations in the Complaint as stated above in this Answer.

6 129. Answering Paragraph 129 of the Complaint, Defendants assert that said
7 paragraph contains no factual allegations requiring a response from Defendants,
8 only legal conclusions. To the extent, however, that said paragraph is read to
9 include some factual allegation requiring a response, Defendant deny each and every
10 such allegation.

11 130. Answering Paragraph 130 of the Complaint, Defendants deny each and
12 every allegation contained therein.

13 131. Answering Paragraph 131 of the Complaint, Defendants assert that said
14 paragraph contains no factual allegation requiring a response, but instead includes
15 only legal conclusions. To the extent, however, that said paragraph is read to
16 include some factual allegation requiring a response, Defendants deny each and
17 every such allegation.

18 132. Answering Paragraph 132 of the Complaint, Defendants deny each and
19 every allegation contained therein.

20
21 **AFFIRMATIVE DEFENSES**

22 Defendants plead the following separate defenses. In pleading a matter as an
23 affirmative defense, Defendants do not intend to assume Plaintiffs' burden to prove
24 any element of their cause of action on which they have the burden of proof.
25 Defendants reserve the right to assert additional affirmative defenses that discovery
26 indicates are proper.

FIRST AFFIRMATIVE DEFENSE

(Qualified Immunity)

1. As a separate and first affirmative defense to the Complaint and each purported federal claim for relief contained therein against them, Defendants Dicus and Williams each allege that they are entitled to qualified immunity.

SECOND AFFIRMATIVE DEFENSE

(Failure to Comply with Government Claims Act)

2. As a separate and second affirmative defense, Defendants allege that Plaintiffs' claims arising under California state law are barred by California Government Code section 945.4 because Plaintiffs did not timely present a claim under the California Government Claims Act.

THIRD AFFIRMATIVE DEFENSE

(Claims Barred by Cal. Gov't Code § 815)

3. As a separate and third affirmative defense, Defendants allege that each and every state-law claim for relief contained in the Complaint is barred by the provisions of California Government Code section 815. Specifically, except as otherwise provided by statute, a public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person.

FOURTH AFFIRMATIVE DEFENSE

(Claims Barred by Cal. Gov't Code § 815.2)

4. As a separate and fourth affirmative defense, Defendants allege that each and every state-law claim for relief contained in the Complaint is barred by the provisions of California Government Code section 815.2. Specifically, except as otherwise provided by statute, a public entity is not liable for any injury resulting from an act or omission of an employee of the public entity where the employee is immune from liability.

FIFTH AFFIRMATIVE DEFENSE

(Claims Barred by Cal. Gov't Code § 820.2)

5. As a separate and fifth affirmative defense, Defendants allege that each and every state-law claim for relief contained in the Complaint is barred by the provisions of California Government Code section 820.2. Specifically, except as otherwise provided by statute, a public employee is not liable for an injury resulting from his act or omission where the act or omission was the result of exercise of the discretion vested in him, whether or not such discretion be abused.

SIXTH AFFIRMATIVE DEFENSE

(Claims Barred by Cal. Gov't Code § 820.4)

6. As a separate and sixth affirmative defense, Defendants allege that each and every state-law claim for relief contained in the Complaint is barred by the provisions of California Government Code section 820.4. Specifically, a public employee is not liable for his act or omission, exercising due care, in the execution or enforcement of any law.

SEVENTH AFFIRMATIVE DEFENSE

(Claims Barred by Cal. Gov't Code § 820.8)

7. As a separate and seventh affirmative defense, Defendants allege that each and every state-law claim for relief contained in the Complaint is barred by the provisions of California Government Code section 820.8. Specifically, except as otherwise provided by statute, a public employee is not liable for an injury caused by the act or omission of another person.

EIGHTH AFFIRMATIVE DEFENSE

(Claims Barred by Cal. Gov't Code § 844.6)

8. As a separate and eighth affirmative defense, Defendants allege that each and every state-law claim for relief contained in the Complaint is barred by the provisions of California Government Code section 821.6 because Plaintiff Anthony Wright was a prisoner at the time of the alleged injuries in this case.

NINTH AFFIRMATIVE DEFENSE

(Comparative Fault)

9. As a separate and ninth affirmative defense to the Complaint and each purported cause of action contained therein based on alleged negligence, Defendants allege that Plaintiffs' damages, if any, were caused by the primary negligence and/or acquiescence in the acts and omissions alleged in the Complaint by the Plaintiffs, and Plaintiffs' agents, employees, representatives, relatives, heirs, assigns, attorneys, and/or any others acting on Plaintiffs' behalf. By reason thereof, Plaintiffs are not entitled to damages or any other relief whatsoever as against Defendants.

TENTH AFFIRMATIVE DEFENSE

(Apportionment of Fault)

10. As a separate and tenth affirmative defense to the Complaint and each purported cause of action contained therein based on alleged negligence, Defendants allege that Plaintiffs' damages, if any, were caused by the negligence and/or acts or omissions of parties other than the Defendants, whether or not parties to this action. By reason thereof, any damages, as against the Defendants, must be reduced by the proportion of fault attributable to such other parties, and to the extent that this is necessary, Defendants may be entitled to partial indemnity from others on a comparative fault basis.

ELEVENTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

11. As a separate and eleventh affirmative defense to the Complaint and each purported cause of action contained therein, Defendants allege that Plaintiffs' claims, if any, are barred for their failure, and/or the failure of the persons and/or entities acting on their behalf, to mitigate any purported damages.

TWELFTH AFFIRMATIVE DEFENSE

(Waiver and Estoppel)

12. As a separate and twelfth affirmative defense to the Complaint and each purported cause of action contained therein, Defendants allege that as a result of their own acts and/or omissions, Plaintiffs have waived any right which they may have had to recover, and/or are estopped from recovering, any relief sought against Defendants.

THIRTEENTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

13. As a separate and thirteenth affirmative defense to the Complaint and each purported cause of action contained therein, Defendants allege that the purported causes of action asserted in the Complaint are barred by such statutes of limitation as may be applicable.

WHEREFORE, Defendants pray for relief as follows:

1. That the Complaint be dismissed, with prejudice and in its entirety;
2. That Plaintiffs take nothing by reason of this Complaint and that judgment be entered against Plaintiffs and in favor of Defendants;
3. That Defendants be awarded their costs incurred in defending this action;
4. That Defendants be granted such other and further relief as the Court may deem just and proper.

Dated: August 4, 2025

COLE HUBER LLP

By: /s/ Daniel S. Roberts

Daniel S. Roberts
Attorneys for Defendants San Bernardino
County Sheriff's Department, San
Bernardino County, Shannon Dicus and
James Williams